

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

William Fate Filyaw, )  
Plaintiff, ) Civil Action No. 0:16-cv-02952-JMC  
v. )  
Kontrina Graham, (Sgt); William Eagleton; )  
(Warden), )  
Defendants. )  
\_\_\_\_\_  
)

**ORDER**

This matter is before the court upon review of Magistrate Judge Paige J. Gossett's Report and Recommendation ("Report") (ECF No. 83), filed on May 2, 2017, recommending that Plaintiff William Fate Filyaw's action be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), as he failed to respond to Defendants' Motion for Summary Judgment (ECF No. 74).

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

The parties were advised of their right to file objections to the Report. (ECF No. 83-1). However, neither party filed any objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199

(4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the district court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 83) and **DISMISSES** this action **WITH PREJUDICE**.<sup>1</sup>

**IT IS SO ORDERED.**



United States District Judge

May 31, 2017  
Columbia, South Carolina

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<sup>1</sup> The Magistrate Judge’s Report also recommended that the court terminate any pending motions. The court finds no clear error in this recommendation and **DIRECTS** the Clerk’s Office to terminate Plaintiff’s Motion for Order of Protection and Restraining Order (ECF No. 13) and Defendant’s Motion for Summary Judgment. (ECF No. 74.)